



www.mybrcc.edu

TITLE: TITLE IX AND SEXUAL MISCONDUCT

EFFECTIVE DATE: November 6, 2015

LAST REVISION: Initial*

Policy No. 6-602

STATEMENT OF POLICY

Baton Rouge Community College (BRCC) is committed to providing a learning and working environment that is safe and encourages integrity and mutual respect. Additionally, BRCC is dedicated to providing an environment that is free of discrimination of any kind on the basis of sex and sexual misconduct. This includes sex discrimination, sexual harassment, sexual violence, rape, dating or intimate relationship violence, domestic violence, sexual assault, stalking and or retaliation.

In accordance with Title IX and other applicable law, BRCC prohibits sex discrimination and sexual misconduct and will take appropriate action to prevent, correct, and discipline behavior that violates college policy. Any person (student, visitor, employee, vendor, etc.) found in violation of this policy will be subject to disciplinary action. Such actions can include, but are not limited to suspension, expulsion, criminal charges, and/or separation from the College. Additionally, an individual criminally charged may be subject to prosecution by the Office of the District Attorney under Louisiana Criminal Statutes.

SCOPE AND APPLICABILITY

This policy shall apply to all students, employees, vendors and all other individuals conducting business with BRCC. This policy shall apply to any conduct that occurs on the property of any BRCC location or campus building(s) owned or controlled by the College. This includes but not limited to, BRCC classes (on site or online); BRCC sponsored events and activities; when a student or employee is representing BRCC; and/or when the conduct of a student or employee would adversely affect the image of the College.

Additionally, BRCC shall have discretion to extend jurisdiction over conduct that occurs off-campus when the conduct adversely and significantly affects the learning environment or the BRCC community and/or any applicable campus policy or code of conduct, if the conduct had occurred on campus. In determining whether or not to extend jurisdiction, BRCC may consider, among other factors, their ability to gather information and effect a resolution. BRCC may extend jurisdiction (over off-campus conduct) if the alleged conduct by the student or employee:

1. Involved violence or produced reasonable fear of physical harm; and/or
2. Involved any other members of the BRCC community or any academic work, records, documents, or property of any BRCC location.



www.mybrcc.edu

SEXUAL MISCONDUCT

Sexual Misconduct is a sexual act or contact of a sexual nature that occurs, regardless of personal relationship, without the consent of the other person(s), or that occurs when the person(s) is unable to give consent because of age, physical or mental incapacity, disability, under the influence of alcohol or drugs, or whose consent is coerced or obtained in a fraudulent manner. *For the purpose of this policy*, sexual misconduct includes, but is not limited to, sexual assault, sexual abuse, violence of a sexual nature, sexual harassment, non-consensual sexual intercourse, sexual exploitation, video voyeurism, contact of a sexual nature with an object, sexual bullying or intimidation, sex trafficking, or the obtaining, posting or disclosure of intimate descriptions, photos, or videos without the express consent of the persons depicted therein, as well as dating violence, domestic violence and stalking.

Sexual Assault as defined by Louisiana State Law: An act of violence in which a person subjects a victim to contact of a sexual nature against the victim's will. Sexual assault covers a wide range of unwanted behaviors, however, the various forms of sexual assault are defined under Louisiana law and include (but may not be limited to) rape, assault to commit rape, sexual battery, aggravated sexual battery, object rape, statutory rape, sodomy, aggravated sodomy, public indecency, and stalking.

- **Non-Consensual Sexual Intercourse:** Having or attempting to have sexual intercourse, cunnilingus, or fellatio without consent. Sexual intercourse is defined as anal or vaginal penetration by a penis, tongue, finger, or inanimate object.
- **Non-Consensual Sexual contact:** Any intentional sexual touching or attempted sexual touching, without consent.

Sexual Violence: Sexual violence is a term that identifies a range of behaviors in which an act of a sexual nature is taken against another person without his or her consent or when he or she is unable to consent. There are other types of gender-based misconduct such as harassment, dating violence, stalking, invasion of privacy, etc. that are not physical acts of sexual violence but are also prohibited by law and College policy. Examples of Sexual Violence include, but are not limited to:

- The unwanted touching or attempted touching of a person's breast/chest, buttocks, inner thighs, or genitalia.
- Forced penetration of another person's oral, anal or genital opening with a body part or any object.

Sexual violence may be committed by: (1) Physical force, violence, or threats; (2) Coercion or intimidation (3) Ignoring the objections of another person (4) Causing another's intoxication or impairment with alcohol or drugs; (5) Taking advantage of another person's intoxication, incapacitation, unconsciousness, state of intimidation, helplessness, or other inability to consent.



www.mybrcc.edu

BRCC shall use the federal and state definitions of the following terms when making all decisions regarding sexual misconduct including publication of definitions, disciplinary decisions, Clery reporting decisions, campus climate decision, and training and prevention decisions.

DEFINITIONS

- A. Bystander Intervention:** a philosophy and strategy for prevention of various types of violence, including bullying, sexual harassment, sexual assault, and intimate partner violence. Bystander Intervention is based on the fact that people make decisions and continue behaviors based on the reactions they get from others.
- B. Coercion:** The use of explicit or implied threats, intimidation, or physical force which places an individual in fear of immediate harm or physical injury or causes a person to engage in unwelcome sexual activity. Coercion also includes administering a drug, intoxicant, or similar substance with the intent to impair that person's ability to consent prior to engaging in sexual activity.
- C. College Title IX Administrators:** Any of the following that have been appointed or may have volunteered to serve as a Title IX representative for the college: College Title IX Coordinator, Deputy Title IX Coordinators, and/or Campus Title IX Coordinators.
- D. Complainant:** An individual whose report of sexual misconduct has not yet been investigated and validated. (the person who brings or files the complaint of any sexual misconduct or discrimination against another)
- E. Confidential Advisor:** A person who will be assigned if requested to the student or employee filing the complaint. The advisor should not have any personal involvement and shall assist and/or consult with the student or employee only. The advisor shall not act as a spokesperson. The confidential advisor primarily serves to aid a student or employee involved in a sexual misconduct complaint in the resolution process as a confidential resource. As suggested by the term "confidential advisor," confidential communications with the advisor will be kept confidential in all circumstances except where the institution or advisor may be required to disclose the communications under state and federal laws.
- F. Consent:** An affirmative decision to engage in mutually agreed upon sexual activity and is given by clear words or actions. Consent to engage in sexual activity must exist from beginning to end of each instance of sexual activity. Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage in a specific sexual activity. Silence alone, without actions evidencing permission, does not demonstrate consent. Consent must be knowing and voluntary. To give consent, a person must be of legal age. Assent does not constitute consent if obtained through coercion or from an individual whom the Alleged Offender knows or reasonable should know is incapacitated. The responsibility of obtaining consent rests with the person initiating sexual activity. Use of alcohol or drugs does not diminish one's responsibility to obtain consent. Consent to engage in sexual activity may be withdrawn by any person at any time. Once withdrawal of consent has been expressed, the sexual activity must cease. Consent is automatically withdrawn by a



www.mybrcc.edu

person who is no longer capable of giving consent. A current or previous consensual dating or sexual relationship between the persons involved does not itself imply consent or preclude a finding of responsibility.

G. Dating Violence (also known as Intimate Relationship Violence): The violent conduct that occurs by any person who is or has been in a social relationship of a romantic or intimate nature with the victim, according to the Louisiana (LA) Revised Statutes (RS) 46:2151. The existence of such a relationship shall be determined based on a consideration of the following factors:

1. The length of the relationship
2. The type of relationship
3. The frequency of interaction between the persons involved in the relationship

Dating violence includes, but is not limited to, physical, sexual, psychological, or emotional abuse. Dating violence also includes stalking but does not include acts covered under the definition of domestic violence. In compliance with Title 34, Code of Federal Regulations (CFR) 668.41, reporting and disclosure of information, and the annual security report as required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), any conduct meeting this definition will be considered an offense for the purposes of Clery Act reporting.

H. Domestic Violence (also known as Domestic Abuse): The intentional use of force or violence against another household member. For the purpose of this definition, a household member is defined as:

1. By a current or former spouse or intimate partner of the victim;
2. By a person with whom the victim shares a child in common;
3. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
4. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
5. By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

This includes but is not limited to physical or sexual abuse and any offense against the person as defined in the Criminal Code of Louisiana, except negligent injury and defamation, committed by one family or household member against another, LA R.S. 46.2132. In compliance with Title 34, CFR 668.41, reporting and disclosure of information, and the annual security report as required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), any conduct meeting this definition will be considered an offense for the purposes of Clery Act reporting.



www.mybrcc.edu

- I. Family Violence definition in Louisiana State Law:** Any assault, battery, or other physical abuse which occurs between family or household members, who reside together or who formerly resided together. La. RS 46.2121.1(2)
- J. Harassment:** Physical, verbal and visual conduct that creates an intimidating, offensive, or hostile environment, which interferes with work performance. This includes harassment because of race, sex, sexual orientation, religious creed, color, national origin, ancestry, disability or medical condition, age, or any other basis protected by federal, state or local law, ordinance or regulation.
- K. Hostile Environment:** Conduct which results in an environment that is no longer conducive to a student's ability to learn or an employee's ability to work productively and/or effectively.
- L. Incapacitation:** When an individual, if by reason of mental or physical condition, is manifestly unable to make a knowing and deliberate choice to engage in sexual activity. Individuals who are asleep, unresponsive or unconscious are incapacitated. Being intoxicated or under the influence of drugs or alcohol can lead to incapacitation. However, a person who is intoxicated or under the influence is not necessarily incapacitated. Other indicators that may indicate that a person may be incapacitated include, but are not limited to, inability to communicate coherently, inability to dress/undress without assistance, inability to walk without assistance, slurred speech, loss of coordination, vomiting, or inability to perform other physical or cognitive tasks without assistance.
- M. Perpetrator:** An individual found guilty of sexual misconduct or discrimination.
- N. Respondent:** An individual against whom a sexual misconduct or discrimination complaint is brought, which complaint has not yet been validated through investigation and/or adjudication.
- O. Responsible Employee:** BRCC requires all employees of the institution to report suspected or known sexual harassment or sexual misconduct to the Title IX Coordinator, Campus Police, or other appropriate school designee; While all employees are mandated to report such conduct, employees that have been designated by the College and have authority to take action to redress sexual violence and have been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Title IX Coordinator or other appropriate school designee are considered "*Responsible Employees*". All employees designated by the College will be clearly identified and posted to the BRCC website, and published in other documents such as the Annual Security Report for easy accessibility. Such information will contain the name(s), phone number, email address and location of each Responsible Employee. Employees who are authorized or required by law to keep information confidential by virtue of the employee's professional role such as Counseling Staff or similar shall not be designated as mandated reporters or as Responsible Employees.
- P. Retaliation:** Acts or attempted acts for the purpose of interfering with any report, investigation, or proceeding under this policy, or as retribution or revenge against anyone who has reported any discrimination, Sexual Misconduct, or Relationship Violence or who has



www.mybrcc.edu

participated (or is expected to participate) in any manner in an investigation, or proceeding under this policy. Prohibited retaliatory acts include, but are not limited to, intimidation, threats, coercion, or discrimination. Title IX prohibits Retaliation. For purposes of the Policy an attempt requires a substantial step towards committing a violation.

- Q. Sex Discrimination:** is conduct that limits or denies a student or an employee's right to benefit from educational or employment programs, services, or resources based on a person's gender.
- R. Sexual Exploitation:** An act attempted or committed by a person for sexual gratification, financial gain, or other advancement through the abuse or exploitation of another person's sexuality. Examples of sexual exploitation include, but are not limited to, non-consensual observation of individuals who are undressed or engaging in sexual acts, non-consensual audio-or videotaping of sexual activity, prostituting another person, allowing others to observe a personal consensual sexual act without the knowledge or consent of all involved parties, and knowingly exposing an individual to a sexually transmitted infection without that individual's knowledge.
- S. Sexual Harassment: Unwelcome conduct of a sexual nature when**
(1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission or rejection of such conduct by a person is used as the basis for a decision affecting that person's employment or education; (3) such conduct has the purpose and effect of unreasonably interfering with a person's employment or education, or creating an intimidating, hostile, or offensive employment or educational environment, and has no legitimate relationship to the subject matter of a course or academic research. Sexual Harassment also includes non-sexual harassment or discrimination of a person because of the person's sex and/or gender including harassment based on the person's nonconformity with gender stereotypes. For purposes of this Policy, the various forms of prohibited sexual harassment are referred to as "sexual misconduct".
- T. Sexually-Oriented Criminal Offense:** Any sexual assault offense as defined in: La. R.S. 44:51 and any sexual abuse offense as defined in R.S. 14:403.
- U. Stalking** is the intentional and repeated following or harassing of another person that would cause a reasonable person to feel alarmed or to suffer emotional distress, according to LA R.S. 14:40.2. Also, Louisiana law states that stalking shall include but not be limited to the intentional and repeated uninvited presence of a person at another person's home, workplace, or school.
- V. Additionally,** such uninvited or unwanted presence can be at any place which would cause a reasonable person to be alarmed, or to suffer emotional distress as a result of verbal or behaviorally implied threats of death, bodily injury, sexual assault, kidnaping, or any other criminal act to the person, any member of the person's family, or anyone with whom the person is acquainted.
- **Harassing** the repeated pattern of verbal communications or nonverbal behavior without invitation which includes but is not limited to making telephone calls, transmitting electronic mail, sending messages, via a third party, or sending letter or pictures. *LRS 14:40.2(A)*



www.mybrcc.edu

- **Pattern of Conduct-** a series of acts over a period of time, however, short, evidencing an intent to inflict a continuity of emotional distress upon the person.
- W. Victim** is an individual who, after all due investigation and/or adjudication, has been found to be the target of any sexual misconduct or discrimination.
- X. Victim Protection Orders-** Violation of protective orders is the willful disobedience of a preliminary or permanent injunction or protective order issued after a court hearing, or the willful disobedience of a temporary restraining order or any protective order issued, criminal stay-away orders as provided for in Code of Criminal Procedure, if the defendant has been given notice of the temporary restraining order or protective order by service of process as required by law. (14:79)

GENERAL PROVISIONS

BRCC applies these definitions to the areas of student affairs (academic advancement, academic standing, and academic performance), human resources (employment, employee performance evaluations, and promotions), to all campuses, and to all events and activities held on BRCC's campuses or any BRCC sponsored event or activity, regardless of whether held on or off campus.

Any student or employee who believes that he/she has been subjected to discrimination, sexual harassment or sexual misconduct has a right to report the incident or conduct to the College Title IX Coordinator who shall be responsible for the coordination, implementation and enforcement of Title IX for the college. A student or employee also has the right to report an incident or conduct to any of the Title IX administrators for the college who shall be responsible for Title IX coordination, implementation, and enforcement for the campus. Additionally, a student, who participates in any of BRCC's athletic sports programs, who believes that he/she has been subjected to discrimination, sexual harassment, or sexual misconduct has a right to report the incident to the Deputy Title IX Coordinator for athletics.

COMPLAINT PROCESS

Any student or employee who believes that he/she has been subjected to discrimination, sexual harassment, or sexual misconduct shall report the incident to any of the Title IX administrators for the college mentioned above, a student affairs administrator, or a human administrator as soon as possible after the alleged incident occurs. Any person who witnesses an incident or receives a complaint shall be responsible for notifying any of the Title IX administrators for the college.

All complaints of discrimination, sexual harassment or sexual misconduct should be reported to the BRCC Police Department. However, a student or employee who feels that he/she is the victim of such conduct has the legal right not to report the incident to the college police or law enforcement. Also, no student or employee is required to report or make a complaint of discrimination, sexual harassment, or sexual misconduct to the person who is or has engaged in the conduct in question.



www.mybrcc.edu

Once a complaint has been received, the College Title IX Coordinator may recommend to have interim safety measures or remedies put in place for all involved parties, including any and all witnesses. Such remedies may include making an alternative classroom, or workplace, or limiting contact between the parties involved until a thorough review has been completed. All parties involved shall keep information regarding the complaint private. Failure to do so by any person involved may result in disciplinary or corrective action.

Initial Review

The College Title IX Coordinator, or any of the Title IX administrators for the college, shall conduct or supervise the initial review of the complaint. This shall be done with assistance as needed from appropriate college administrators regarding the complaint. A review shall be conducted in a manner that is adequate, reliable, thorough, and impartial. A review or investigation shall be completed as quickly as possible, within a reasonable amount of time, but not more than sixty (60) days of the complaint being made. A student or employee who has made a complaint has the right to be assigned a confidential advisor who will serve as a liaison to the student or employee until the review has concluded and until a resolution has been rendered.

To ensure a timely and thorough review, a student or employee should provide the following information in writing as soon as possible:

1. The name, position, department, and organization (if applicable) of the person(s) allegedly in violation of this policy;
2. The alleged incident(s), including the date(s), location(s), and any witness(s) that may have been present;
3. The alleged effect of the incident(s) on a student or employee (academic standing, grades, promotion, salary, termination, etc.);
4. The name of any other students or employees who may have been subjected to the same type of conduct; and/or
5. Other information that may be of importance to the review (past incidents at another school or workplace).

Complaints

There are two types of complaint procedures that a student or employee may bring forth, an informal complaint or a formal complaint. As set forth below, an informal complaint procedure is available under certain circumstances. If after the initial review the College Title IX Coordinator, or any of the Title IX administrators for the college, finds that reasonable cause exists to believe that this policy has been violated, the College Title IX Coordinator or a designee will determine whether the informal complaint procedure is appropriate. If it is not appropriate, a full investigation is required (formal complaint procedure).

If the College Title IX Coordinator or designee determines that the informal complaint process is appropriate, the complainant and responding person shall be advised of the informal complaint procedure. If both consent in writing, the informal complaint procedure will be followed, without further investigation, unless the informal complaint procedure is unsuccessful. Informal procedures are not appropriate for, or applied in, cases involving violence or non-consensual



www.mybrcc.edu

sexual intercourse. In both procedures, information obtained regarding the complaint will be treated as privately as possible, with only those with a need to know being informed of the complaint. The complainant and the responding student or employee has the right to one confidential advisor at any stage of the informal resolution process or formal resolution process.

Any student or employee shall utilize one, and/or both of the following procedures for possible resolution:

Informal Complaint Procedure

A student or employee may file a complaint with the College Title IX Coordinator or any of the Title IX administrators for the college. All parties involved in the complaint must agree to the informal complaint procedure. Through the use of this procedure, a review will be conducted and a report will be prepared with findings. No more than sixty (60) days shall be allotted for this procedure. Once the informal complaint procedure is complete, written notification of findings and the proposed resolution shall be given to all parties. Such informal resolution can include meeting with each party to the complaint; review of any initial findings; recommending reassignment, separation or monitoring of the parties (however, no complainant shall ever be required to meet with the responding parties in an informal resolution); and any other actions deemed appropriate by the parties at the institution. At any time, a formal complaint procedure can be initiated if:

1. A person filing an informal complaint chooses to discontinue and file a formal complaint;
2. Any of the parties involved do not agree to the informal complaint process;
3. The Title IX administrator determines that the informal complaint process is not appropriate or sufficient for the alleged incident(s); and/or
4. A successful resolution has not been reached through the use of the informal complaint process.

Any party dissatisfied with the outcome of the informal complaint procedure has the right to make a written request, within fifteen (15) calendar days of written notification of the proposed resolution, to the College Title IX Coordinator the formal resolution procedure, set forth below, be pursued.

Formal Complaint Procedure

A student or employee filing a formal complaint should do so in writing to the College Title IX Coordinator or any of the Title IX administrators for the college. A formal complaint must include the following:

1. The name, position, department, and organization (if applicable) of the person(s) allegedly in violation of this policy;
2. The alleged incident(s), including the date(s), location(s), and any witness(s) that may have been present;
3. The alleged effect of the incident(s) on a student or employee (academic standing, grades, promotion, salary, termination, etc.);
4. The name of any other students or employees who may have been subjected to the same type of conduct;
5. Other information that may be of importance to the review (past incidents at another school or workplace); and
6. The resolution desired.



www.mybrcc.edu

Under the formal complaint procedure, a formal investigation will be conducted by the College Title IX Coordinator or any of the Title IX administrators for the college. Upon completion, a report will also be prepared with findings. The investigation will be conducted within a timeframe not to exceed sixty (60) days. Investigators may include, but are not limited to, employees from human resources or student services. The investigation may include in-person interviews with all parties involved and interviews of any direct witnesses. The investigator may also collect and review any documents or other relevant information to include but not limited to photographs, video recordings, or other social media.

All parties involved in the complaint will:

1. Be provided written notice regarding the details of the alleged violation of this policy prior to the initiation of the full investigation;
2. Have an opportunity to identify pertinent evidence to be considered by the investigator; and
3. Have an opportunity to identify witnesses to be interviewed

The investigator will present a written investigative summary, based on a preponderance of the evidence standard, and will submit the summary to the College Title IX Coordinator, who will notify the appropriate Title IX administrators and campus offices. The complainant and the individual who is the subject of the complaint will be notified in writing of the results of the investigation. The investigation as well as information obtained as a result of the investigation are confidential. All parties involved shall keep information regarding the investigation, as well as the complaint, private. Failure to do so by any person involved may result in disciplinary or corrective action. Aside from the complainant and the respondent, only those with a legitimate educational interest shall further be notified of the outcome of the investigation.

Resolution – Disciplinary or Corrective Action

Any student or employee who is found, after appropriate review and/or investigation, to have engaged in discrimination, sexual harassment and/or sexual misconduct is subject to appropriate disciplinary or corrective action. (Note: Violations of this Policy may subject an individual to civil or criminal liability under state or federal law).

For a student found to be in violation, a Title IX administrator for the college, along with a student affairs administrator, will determine the appropriate action necessary, as applicable according to the student code of conduct and/or policies governing students. Such action may include the withholding of transcripts.

If a student accused of sexual misconduct or discrimination seeks to transfer to another institution during an investigation, BRCC will withhold the student's transcript until the investigation is complete and a final decision has been made. BRCC will inform the respondent of the college's obligation to withhold the transcript during the investigation. If a student is found to be guilty of sexual misconduct or discrimination upon the completion of an investigation and seeks to transfer to another institution, BRCC will communicate such a violation, when it becomes aware of the student's attempt to transfer, with the institution(s) to which the student seeks to transfer or has transferred.



www.mybrcc.edu

For an employee found to be in violation, a Title IX administrator for the college, along with a human resources administrator, will determine the appropriate corrective action necessary, as applicable according to the faculty handbook and/or policies in place governing all employees.

BRCC will not tolerate any type of retaliation, direct or indirect, against any student or employee who, in good faith, files a complaint of or responds to questions in regard to having witnessed prohibited conduct outlined in this policy. False charges are treated as serious offenses and may result in disciplinary and/or civil action.

Cooperation with Law Enforcement

BRCC will cooperate with law enforcement. In doing so, BRCC may temporarily suspend its investigation if law enforcement's is in the process of conducting its own investigation. If suspended, BRCC will promptly resume its investigation once law enforcement has finished gathering facts needed.

In further effort to cooperate, BRCC will make a diligent effort to enter into a Memorandum of Understanding (MOU) with local law enforcement and criminal justice agencies. Such MOU's will be updated every two years and may include:

1. Delineation and sharing protocols of investigative responsibilities;
2. Protocols for investigations, including standards for notification and communication and measures to promote evidence preservation;
3. Agreed-upon training and requirements on issues related to sexually-oriented criminal offenses for the purpose of sharing information and coordinating training to the extent possible;
4. A method of sharing general information about sexually-oriented criminal offenses occurring within the jurisdiction of the parties to the MOU in order to improve campus safety; or
5. Assurances that local peace officers in addition to each full-time college or university police officer complete a sexual assault program required by state law La. R.S. 17: 1805(H); 40:2405.8(A); (C)(I).

Reporting of Campus Crime Statistics

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics (Clery Act) is a federal law which requires colleges that participate in federal financial aid programs to keep and disclose information about crime on, and near their respective campuses. BRCC will adhere to all requirements of the Clery Act and Section 304 of the Violence against Women Reauthorization Act of 2013 (VA W A), which extends the Clery Act to include dating violence, domestic violence and stalking.

Record Keeping

Records will be kept in accordance with Louisiana law and federal law. For students, records will be kept for 7 (seven) years, except in cases of suspension and expulsion, in which case the records shall be permanent. Employment actions will be filed in the employee's respective file and will be kept on file permanently in Human Resources.



www.mybrcc.edu

Retaliation

Retaliation against a person who has been subjected to sexual discrimination or sexual misconduct, or is assisting in the investigation of such a complaint, who in good faith brings a complaint of sexual discrimination or sexual misconduct, is prohibited and shall be a violation of this Policy and shall constitute misconduct subject to disciplinary action or other actions, as described above. Any employee or student bringing a sexual discrimination or sexual misconduct complaint or assisting in the investigation of such a complaint will not be adversely affected in terms and conditions of employment and/or academic standing, nor discriminated against, terminated, or expelled because of the complaint.

Prevention and Awareness Programming

BRCC will annually offer, and document, education and prevention programs that include, but are not limited to:

1. Awareness programs which consist of community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce sexual misconduct.
2. Bystander intervention programs which consist of safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. It also includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.
3. On-going prevention and awareness campaigns which consist of programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to, and skills for addressing, dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution.
4. Prevention programs which consist of initiatives and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.
5. Risk reduction programming which consists of options designed to decrease perpetration and by stander inaction and to increase empowerment for victims to promote safety and to help individuals and communities address conditions that facilitate violence. Additional options may include designation and publication of “red zones” (i.e., times and places of high incidence of crimes, including sexual violence).

Campus Climate Surveys

To adequately assess perceptions and behaviors of sexual misconduct on the campus, BRCC will administer the statewide campus climate survey annually as developed by the Board of Regents and will submit the results to the Louisiana Community & Technical College System Board by June 1 of each year, and to the Board of Regents by June 15 of each year. The survey will be voluntary, and students will be given the ability to decline to participate.

Institutional Task Force



www.mybrcc.edu

BRCC will establish a task force to address sexual discrimination and sexual misconduct. All student stakeholder groups will be invited to be represented on the task force through the student body government.

Training

All BRCC employees involved in implementing the college’s student grievance procedures, including each individual who is responsible for resolving complaints of reported sexual discrimination or sexual misconduct, and each employee who has responsibility for conducting an interview with an alleged victim of a sexually-oriented criminal offense will receive annual training developed by the Board of Regents/Attorney General, beginning with the 2016-2017 academic year.

Amnesty

Any student who reports, in good faith, sexual discrimination or sexual misconduct shall not be sanctioned by BRCC for a nonviolent student code of conduct violation that is revealed in the course of such a report.

Provisions for Support Services

Upon receipt of a report of sexual discrimination or sexual misconduct, BRCC will immediately provide to complainants and respondents the following: on-and off-campus resources, including but not limited to local advocacy, counseling, health and mental health services, as applicable. Such support services will be offered regardless of whether the complainant chooses to formally report the incident.

Source of Policy: La. R.S. 23:301, 312, 332

Related Policy: _____

Approved by: 

Chancellor Dennis F. Michaelis

Responsible Administrator: Executive Team

LCTCS Policy Reference: #2.015

LCTCS Guideline Reference: _____

Date: 11/06/15